IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO.2828 OF 2006

Freny w/o.Freddy Bhadha & 5 ors. Petitioners
vs.
State of Maharashtra & 8 ors. Respondents

Mr.V.S.Kapse for the petitioners.

Mr.K.R.Belosay, AGP for respondents 1 & 3.

Ms.Preeti Purandare for B.M.C.

Ms.Nita Mandhyan i/b.M/s.S.M.Associates for respondent no.5.

CORAM : F.I.REBELLO &
ANOOP V. MOHTA,JJ.

DATED : 14th November, 2006

P.C.

Rule. Heard forthwith.

2. In the present case, it is pointed out that the power under Regulation 64(b) was exercised and IOD granted. This court has now pronounced the judgment in so far as the Regulation 64(b) is concerned. That requires the power to be exercised by the Commissioner alone. In the instant case, the building has not yet been constructed. In the light of that and considering the judgement of this court, we propose to dispose of the petition by issuing the following directions:

(i) The petitioners to file whatever

objections they have with the Commissioner within four weeks from today with a copy to respondent no.5. Respondent no.5 to file their reply, if any, within two weeks of receiving the objections.

(ii) The Commissioner thereafter to hear the petitioners and respondent no.5 and pass appropriate order as to whether the IOD should be revoked and/or confirmed. The Commissioner to complete the entire exercise within eight weeks of the reply being filed by respondent no.5.

3. Rule made absolute accordingly. No order as to costs.

(F.I. REBELLO, J.)

(ANOOP V. MOHTA,J.)